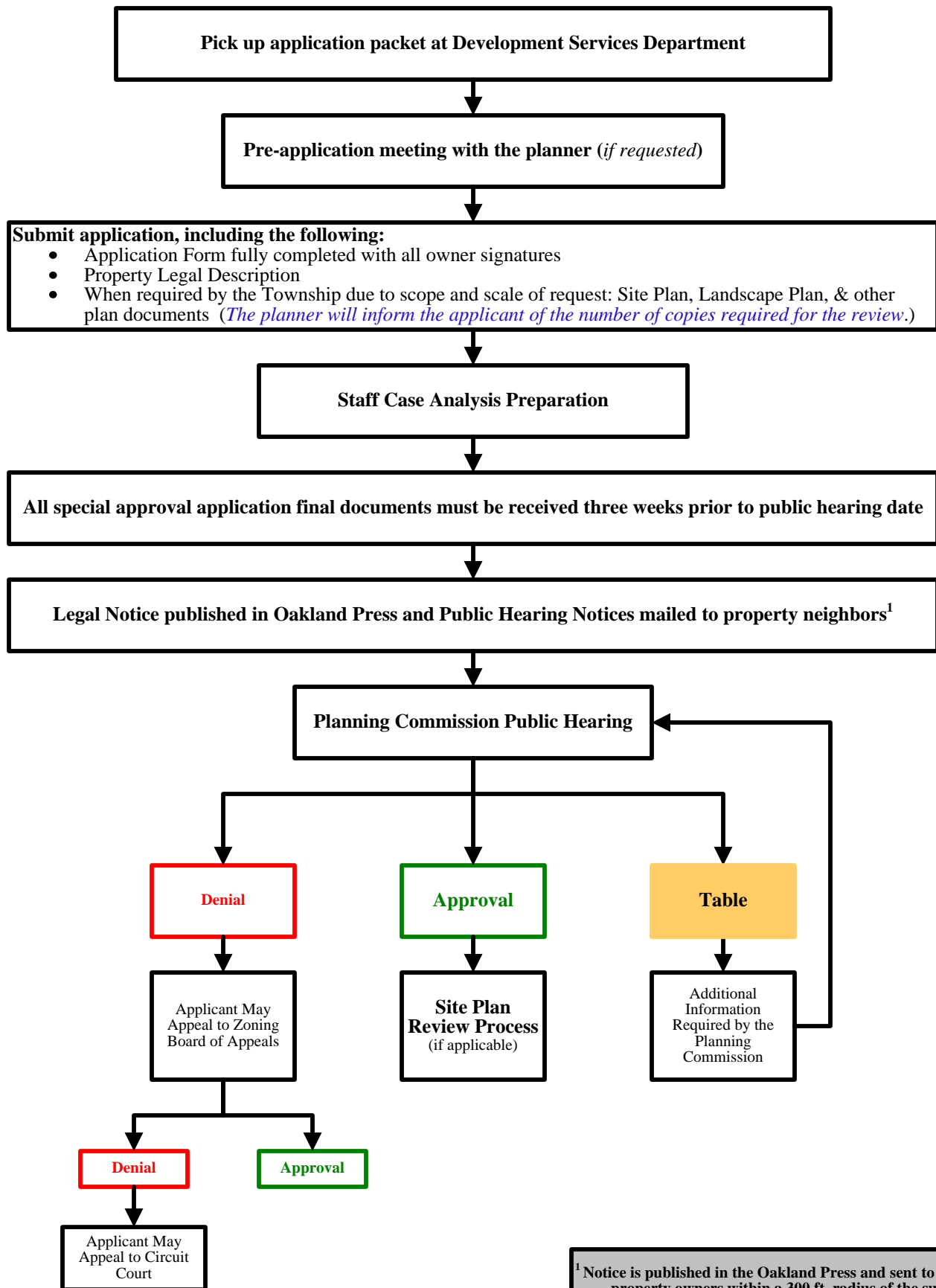


WATERFORD TOWNSHIP SPECIAL APPROVAL PROCESS



¹ Notice is published in the Oakland Press and sent to all property owners within a 300 ft. radius of the subject property.

CHARTER TOWNSHIP OF WATERFORD

APPLICATION FOR SPECIAL APPROVAL USE

Development Services Department
5200 Civic Center Drive
Waterford, MI 48329-3773
(248) 674-6250

<i>Staff Use Only</i>
Fee Paid _____
Case No. _____
Assigned _____
Public Hearing _____
Date _____

Applicant Name: _____

Applicant Address: _____
Street Address City State ZIP Code

Applicant Contact Information: _____
Phone Number Fax Number Email Address

Site Address/General Location: _____

Parcel ID No.: _____ **Total Site Acreage:** _____

Zoning (*check applicable district*):

☐ R-1/1A/1B/1C ☐ R-1D ☐ R-1E ☐ R-M1 ☐ R-M2 ☐ PL ☐ CR ☐ O-1 ☐ O-2
☐ C-1 ☐ C-3 ☐ C-4 ☐ C-UL ☐ C-UB ☐ HT-1 ☐ HT-2 ☐ M-1 ☐ M-2

Existing Use of Subject Property: _____

Special Approval Use Requested:

As described in Zoning Ordinance Section _____

Reason for Request _____

All persons having ownership interest in above-referenced property must sign this document to authorize the filing of the application. Ownership interest includes owners, all parties in land contracts, and all parties in purchase agreements. Additional signature pages may be attached for owners exceeding four in number.

	<u>NAME (Print)</u>	<u>ADDRESS</u>	<u>TYPE OF OWNERSHIP INTEREST</u>	<u>SIGNATURE</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

CERTIFICATION

I do hereby swear all of the statements, signatures, descriptions and exhibits herewith submitted are true and accurate to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.

_____ Name (Please Print)	_____ Address	_____ Telephone Contact	_____ Birth Date	_____ Drivers License #
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Signature

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public
State of Michigan

County of _____

My Commission Expires: _____

Charter Township of Waterford

Planning Commission/Zoning Board of Appeals

Consent to Property Inspection

Development Services Department
5200 Civic Center Drive
Waterford, MI 48329-3773
(248) 674-6250

I (WE), the undersigned have made application to the Charter Township of Waterford for land use matters to be considered and decisions made by the:

☐ Planning Commission

☐ Zoning Board of Appeals

that will affect use of our property identified below. In order to enable the members of such decision-making body to make an informed decision on our request, I (WE), do hereby consent to allow the members of the decision-making body to inspect the subject property up to the date of the meeting of the decision-making body at which such body issues its final decision on MY (OUR) request, provided that such inspections are limited to:

- gathering information specific to the requested action,
- typical hours of daily human activity, unless specified otherwise below, and
- the following restrictions:

Address of Subject Property

Parcel I.D. Number(s)

NOTE: Any and all persons having ownership interest in the above described property MUST sign this application in the presence of a notary.

Subscribed and sworn to before me this _____

day of _____, _____

Notary Public

My commission expires: _____

State of Michigan, County of _____

Property Owner: _____

Driver's License No.: _____

Birth Date: _____

Property Owner: _____

Driver's License No.: _____

Birth Date: _____

Additional signature pages may be attached for owners exceeding two in number.

(ARTICLE IV cont.)**SECTION 4-006. SPECIAL APPROVAL REVIEW PROCEDURES AND REQUIREMENTS**

- 1. Purpose and Intent.** In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section shall be to establish review procedures, standards, and authority to impose conditions for all uses requiring Special Approval review and to establish the Planning Commission as the review and approval authority for Special Approval reviews. Special Approval review shall be required for all requests to utilize a zoning lot for a use listed as requiring Special Approval from the Planning Commission. The preliminary plan, preliminary plan review, final site plan review, and construction plan review shall be required components of the Special Approval process unless a request meets all of the following conditions:
 - A. The zoning lot is improved and governed by an active approved site plan.
 - B. The requested Special Approval use will not require a capacity increase in the existing parking area on the subject zoning lot.
 - C. Other than interior remodeling of the existing buildings, no physical expansion or structural modifications are being proposed to the buildings or use areas on the zoning lot.Special Approval use requests that meet all of these conditions shall use the active approved site plan as the review document. Changes in the use of the active approved site plan through a Special Approval use approved by the Planning Commission shall be documented in the active approved site plan file.
- 2. Submission and Review Process.**
 - A. The applicant(s) obtains a Special Approval review application, preliminary plan requirements, and fee requirements from the office of the Zoning Official.
 - B. The applicant(s) submits completed application forms, preliminary plan, and related documentation in the quantity specified by the Zoning Official.
 - C. The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
 - D. Once a complete set of application materials is received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.
 - E. The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.
 - F. The Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other government agencies identified by the Zoning Official shall conduct a preliminary plan review.
 - G. The Zoning Official shall collect all revisions and comments received from the Township and other government agencies and incorporate these comments into a Special Approval review analysis for use by the Planning Commission.
 - H. Once the initial preliminary plan review steps have been completed, the Zoning Official shall establish a public hearing date and prepare and transmit all notifications in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
 - I. The Planning Commission conducts a public hearing on proposed Special Approval.
 - J. The Planning Commission approves, approves with conditions, or denies the Special Approval request, basing its decision on how the proposed use complies with the criteria listed in **Section 4-006.4**. The Planning Commission may place conditions on an approval, provided that the conditions conform with the parameters outlined in **Section 4-006.5**. The Planning Commission may defer a request to allow verification, compilation or submission of additional or supplemental information in the form of a natural features inventory and mitigation report, traffic impact analysis report, parking study report, or development impact analysis report; or to address other concerns or issues directly related to a review criteria or possible condition of approval.
 - K. Once the Planning Commission approves, approves with conditions, or denies the Special Approval use request, the Zoning Official shall send the applicant(s) a notice of decision that includes a statement of findings and conclusions and specifies the basis for the decision and any conditions imposed. The applicant(s) then proceeds with the following site plan review steps, when applicable.

(ARTICLE IV, SECTION 4-006.2 cont.)

- L. The Zoning Official shall transmit in writing to the applicant(s) all plan revisions and information required by the Planning Commission's approval and conditions. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.
 - M. The Zoning Official and Township Engineer shall conduct a final site plan review.
 - N. The applicant(s) may obtain a construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter; however, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.
 - O. The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements and Planning Commission Special Approval conditions.
 - P. The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
 - Q. Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.
- 3. Planning Commission Review Criteria.** The Planning Commission, in conducting its review of any proposed Special Approval use, shall determine whether such use shall:
- A. Be in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission.
 - B. Be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, compliance with the performance standards required under **ARTICLE II, Divison 2-2**, and will have no adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, natural resources and/or the public trust therein.
 - C. Be in compliance with such Special Approval use service areas identified and adopted by the Planning Commission.
 - D. Be a use that does not impose an unreasonable burden upon public services and utilities.
 - E. Be in compliance with the regulations of the zoning district in which it is located.
- 4. Planning Commission Approval Criteria.** Before approving any Special Approval use, the Planning Commission shall consider the following:
- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent zoning lots, pedestrian circulation will not be hindered, outdoor operations and display will not burden and/or disrupt uses on adjacent properties, and/or the natural and surrounding environment will not be negatively impacted.
 - B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.
 - C. The scope of the land use or activity under consideration is conducive to fulfilling a gap in the geographic coverage of such services to Township residents.
 - D. The Planning Commission may stipulate reasonable restrictions on the hours of operations, an increase of setback requirements to that of a more intensive zoning district, additional screening and barriers, and authorizing future review to ensure that such use does not violate the performance standards established in this Zoning Ordinance.
- 5. Standards for Special Approval Conditions.** The Planning Commission may impose reasonable conditions in granting Special Approval which it deems necessary to fulfill the spirit and purpose of this Zoning Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
- A. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(ARTICLE IV, SECTION 4-006.5 cont.)

- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Zoning Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

6. General Stipulations for Special Approvals.

- A. Conditions established by the Planning Commission as part of a Special Approval use authorization shall be binding upon the owners and occupants of the subject zoning lot and upon all heirs, assigns, and any persons taking title to the subject zoning lot while such Special Approval use authorization is active and in effect. The breach of any condition established by the Planning Commission as part of a Special Approval use authorization shall be a violation of this Zoning Ordinance and reason for the Planning Commission to hold a hearing to consider revocation of the Special Approval in accordance with the administrative guidelines for the revocation of licenses established in the **Waterford Code of Ordinances, Licenses and Miscellaneous Business Regulations**.
- B. The discontinuance after a specified time of a Special Approval use which involves outside storage or display may be a condition to the issuance of the permit. Renewal of such a Special Approval use authorization may be granted after a review and determination by the Planning Commission that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with standards and requirements in effect at the time that the renewal is requested.
- C. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Approval, any conditions imposed by the Planning Commission and the approved site plan.
- D. To ensure adequate notice of the decision, and conditions imposed, the Planning Commission may require as a condition to the effectiveness of relief granted that the property owner record with the Oakland County Register of Deeds, in a form acceptable to the Planning Commission, an affidavit detailing the relief granted and conditions imposed.
- E. A denial decision by the Planning Commission shall be considered final as of the meeting at which the decision was made, except on grounds of newly discovered evidence or proof of substantially changed conditions, sufficient to justify reconsideration by the Planning Commission under a new application.
- F. An approval under this Section shall be effective for a period of one (1) year, and shall thereafter be void unless actual use for existing buildings or structures, or structural improvements when proposed in conjunction with the use, have been commenced after an approved final site plan is granted.

SECTION 4-007. HARDSHIP PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS

- 1. **Purpose and Intent.** In conjunction with **Sections 4-001 through 4-003**, it is the intent of this Section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the Township Board that:

- A. The applicant(s)'s property cannot be reasonably and economically used for the purposes permitted in the zoning district.
- B. The plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions.
- C. The proposed development and use would not alter the essential character of the area.
- D. The applicant(s)'s problem has not been self-created.

If and when a property owner meets such four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this Section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable and appropriate uses of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development. In order to satisfy the finality requirements dictated by the Michigan Supreme Court in *Paragon Properties Company v City of Novi*, a property owner shall not be required to seek variance relief at the ZBA if relief is sought and final action has been taken under this Section.

2. Submission and Review Process.

- A. The prospective applicant(s) discusses the general elements of the proposed use of the subject zoning lot with the Zoning Official's office staff to ensure that application is made for the proper review process.